

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FISHER SAND & GRAVEL, CO.
d/b/a/ SOUTHWEST ASPHALT PAVING and
FISHER SAND & GRAVEL – NEW MEXICO, INC.,

Plaintiff,

v.

Case No. 1:10-cv-00635-RB-SMV

FNF CONSTRUCTION, INC., *et al.*,

Defendants.

**ORDER GRANTING IN PART AND DENYING IN PART DEFENDANT FNF
CONSTRUCTION, INC.'S MOTION TO COMPEL NO. 7: THE COURT SHOULD
COMPEL PLAINTIFFS TO PRODUCE DOCUMENTS RESPONSIVE TO FNF'S
SECOND REQUESTS FOR PRODUCTION**

THIS MATTER came before the Court on Defendant FNF Construction, Inc.'s Motion to Compel No. 7: The Court Should Compel Plaintiffs to Produce Documents Responsive to FNF's Second Requests for Production [Doc. No. 432], and the Court, having reviewed the briefs and papers submitted by the parties, heard oral argument, and being otherwise advised in the premises, hereby finds that the Motion should be granted in part and denied in part, as follows:

1. The motion is denied as to Document Request Nos. 79 and 80.
2. The motion is granted as to Document Request No. 81 to the extent it seeks communications between Fisher and the agent for its surety regarding the reasons for its losses on the Las Vegas, McGuireville and Sedona II projects. The motion is otherwise denied as to Document Request No. 81.
3. To the extent that FNF's motion was granted, Plaintiffs shall supplement their Responses, produce all responsive documents and provide a log identifying any claims of privilege by March 12, 2014.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge

Submitted By:

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By: /s/ Lauren Keefe

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By: Electronic approval on February 27, 2014

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By: Electronic approval on February 27, 2014

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